

TOWN MANAGER
Ken Deal

TOWN CLERK
Pamela Mills

TOWN ATTORNEY
Tom Brooke



MAYOR
Charles Seaford

TOWN COUNCIL
Don Bringle
Arthur Heggins
Brandon Linn
Rodney Phillips
Steve Stroud

**CHINA GROVE PLANNING BOARD MEETING
ELECTRONIC MEETING
Minutes of Regular Meeting
Monday, April 5, 2021**

The China Grove Planning Board met electronically on Monday, April 5, 2021 at 7:00 PM at the China Grove Town Hall, 333 North Main Street, China Grove, North Carolina.

Planning Board Members Virtually Present: David Morton, Chairman
Butch Bivens, Vice Chairman
Jason Higgins
Rodney Phillips

Planning Board Members Absent: Jason Hinson
Natalie Morgan
Brie Bivens-Hager

Staff Virtually Present: Pamela Mills, Town Clerk
Franklin Gover, Assistant Town Manager

Visitors Virtually Present: Steve Stroud

Roll Call and Recognition of Quorum

Chairman Morton called the meeting to order at 7:00 PM. The presence of a quorum was recognized at that time.

Approval/ Corrections of Minutes

Mr. Higgins made the motion to approve the March 11th, 2021 minutes. Mr. Phillips seconded the motion, upon roll call vote Mr. Bivens voted yes, Chairman Morton voted yes. (4-0)

Adopt Agenda

Mr. Phillips made the motion to adopt the Agenda. Mr. Higgins seconded the motion, upon roll call vote Mr. Bivens voted yes, Chairman Morton voted yes. (4-0)

Public Comment

None

2021-CUP-01; T&S Properties of China Grove

Mr. Gover stated the applicant is requesting an amendment to an existing Highway Business Conditional Use permit to allow Locksmiths (SIC 7699) as a permitted use. He stated the address is 1120 W NC 152 Hwy and consist of two parcels, Rowan County Parcel 118A02001 & 118A021. He stated in 2020 the

333 N Main Street, China Grove, NC 28023 | Phone (704) 857-2466 | Fax (704) 855-1855

"In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, age, disability, religion, sex, familial status, sexual orientation, and reprisal. (Not all prohibited bases apply to all programs)."

Town Council voted to approve a conditional use rezoning based on a site-Specific development plan requested by Ben Gable. He stated that Mr. Gable has sold the property to T&S Properties of China Grove who intend to open a locksmith business. He stated the permitted uses included in the 2020 approval are general contractors and special trade contractors. He stated this amendment will add Locksmiths to the permitted uses. He stated this property is located along NC 152 a major thoroughfare road between China Grove and Mooresville. He stated Millers Grove is located to the south of this property and residential properties behind. He stated the zoning in the area is primarily RS and RT Conditional Use. He stated in 2020 the Planning Board amended the land use plan to recognize the occurrence of businesses along thoroughfares as long as they are designed to complement the surrounding residential uses. He stated no changes to the building are being proposed. He stated the addition of Locksmith as a permitted use is the only change. He stated notices were mailed on March 25th, 2021.

Chairman Morton opened the courtesy hearing.

Steve Stroud – 417 W Ketchie Street

He stated he needed more office space because he expanded his office staff and warehouse space for all the parts he carries now for clients. He stated he will not have a store front and the only vehicles will be staff.

Chairman Morton asked if NCDOT wanted a driveway permit. Mr. Gover stated NCDOT wanted a driveway permit in 2020 from Mr. Gable. He asked Mr. Stroud to follow up with NCDOT to see if that was done. Mr. Stroud asked if Pleasant Village Lane was a State maintained road. Mr. Gover stated it is.

Mr. Higgins asked if we are just adding the Locksmith use to the existing Conditional Use permit. Mr. Gover stated when you have a Conditional Use District there are only a few uses allowed and this will just add Locksmith to the permitted uses.

Chairman Morton recessed the courtesy hearing until Thursday, April 8th, 2021 at 7:00 PM to allow for the 24-hour written public comment requirement.

Chapter 160D Unified Development Ordinance update

Mr. Gover stated the first 9 Chapters do not have a lot of changes. He stated there are no changes in Chapter 6 & 8. He stated the Town contracted with the School of Government to make sure we captured all the statutory requirements. He stated the first sheet in the binder is the new Conflict of Interest Standards that the Town Council and Planning Board members will have to be upheld to. He stated most of the changes in Chapter 1 Purpose and Applicability are changing NCGS references from 160A to 160D. He stated the change in Chapter 2 General Provisions is changing Conditional Use to Special Use. He stated the goal is to clarify the terminology across the state and is now being statutorily defined as a Special Use. He stated the primary change in Chapter 3 Zoning Districts is switching out the Conditional Use with Special use in the tables for each zoning district. He stated Conditional Use District is being changed to Conditional Zoning District and legislation is getting rid of the Conditional Use rezoning. He stated this is being change to the conditional zoning process getting rid of the finding of facts but still allows for conditions. He stated this process is more flexible and easier. He stated in the Permitted Uses Table the C (conditional) is replaced with a S (special). He stated the conditional zoning district language is modified it to add major subdivision or major site plan. He stated previously you could not go below the minimum standards; with conditional zoning district you can adjust the standards. He stated in Chapter 4 Special Requirements Conditional Use is being replaced with Special Use. He stated in section 4.2 accessory dwellings we can no longer say who can live in the accessory dwelling or that the primary dwelling has to be owner occupied. He stated in section 4.5 agricultural uses we added ETJ and bona fide farm exemptions. He stated in section 4.17 manufactured homes we can no longer place an age limit on

333 N Main Street, China Grove, NC 28023 | Phone (704) 857-2466 | Fax (704) 855-1855

"In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, age, disability, religion, sex, familial status, sexual orientation, and reprisal. (Not all prohibited bases apply to all programs)."

the home. He stated in Chapter 5 Building Design Requirements some of the changes are related to Conditional Zoning. He stated in section 5.3 residential buildings design guidelines for one and two family homes can be regulated within a Conditional Zoning district. He stated in Chapter 7 Landscaping and Buffering section 7.2 landscaping types we are not allowed to single out religious land uses so this was removed. He stated a lot of redundant language was removed in section 7.3.9 installation of landscaping required prior to occupancy. He stated there are some substantial changes done to Chapter 9 Development Review Process. He stated two major changes are Administrative Modifications and Vested Rights Procedures. He stated the addition of section 9.1.1 Application Completeness gives the town in writing the rules of a complete application to move forward to the development process. He stated section 9.1.2 Permit Choice gives the applicant the choice if the ordinance changes which version of the development regulation will apply to the application. He stated each development process had an Improvement Installation and Guarantees section, all of these have been removed and put into one section called 9.8 Performance Guarantees. He stated NC State Statue now calls properties within a 100-foot buffer of the affected property an abutting property. He stated a notice has to go to all properties within that area even if separated by a street, railroad or other transportation corridor. He stated section 9.7.5 subdivision exceptions list six different scenario exceptions. He stated these use to be in the definition section and not in the body of the ordinance. He stated section 9.8 Performance Guaranties combines all the improvement installation and guarantees and cuts down on redundant language. He stated they have to be approved by the Town Council, Finance Director and Town Attorney. He stated section 9.9 changes conditional to special use permit procedures. He stated section 9.9.3 notice of hearing removes the requirement to advertise in the newspaper. He stated section 9.9.4 conditions, evidence, & finding-of-facts states that all conditions have to be in writing. He stated section 9.11 administrative modifications will allow the Zoning Administrator to make minor changes to a site specific permit. He stated there are restriction to the changes that can be made. He stated section 9.12 Vested Rights Procedure is the most complicated portion of planning and zoning. He stated the vested rights section clarifies what can happen during a period of time where development plans are locked up.

Chairman Morton stated several of these changes will make the process easier. He asked what the time frame is with getting these changes adopted. Mr. Gover stated they are supposed to be adopted July 21st, 2021. He stated he believes we can have Town Council voting by August and be ok.

Chairman Morton recessed the meeting until Thursday, April 8th, 2021 at 7:00 PM to allow for the 24-hour written public comment requirement.

David Morton
Chairman

Pamela L. Mills, CMC
Town Clerk